

17.04.030 Definitions of land uses, specialized terms, and phrases.

“Land conversion authorization” means any permit or approval that authorizes a ground disturbing activity, including, but not limited to, ~~specific plan, tentative map, parcel map, conditional use permit, minor use permit, administrative review permit, design/site agreement, variance,~~ grading permits~~s~~, grading plans~~s~~, improvement plans~~s~~, and building permits~~s~~. Approvals for county-sponsored capital improvement projects and operations and maintenance activities are also land conversion

“Stream system” For all areas subject to the requirements of Article 19.10 (Placer County Conservation Program) or Article 17.54, Section 17.54.145 (Watercourse setbacks and stream system boundary standards) the stream system is the stream channel itself (wet or dry) and the surrounding areas as follows:

17.54.145 Watercourse setbacks and stream system boundary standards

A. Watercourse setbacks outside of the PCCP boundary. For all areas outside the PCCP boundary (Chapter 19, Section 19.10.050) all proposed structures shall be set back from any stream, creek, canal, pond, lake or river, as follows. The watercourse setbacks required by this subsection shall be measured from the centerline of the stream. These setbacks may be modified by a finding of good cause (including verified map errors, etc.) by the appropriate hearing body.

1. Permanent Streams and Man-Made Canals. The required setback from the centerline of a permanent stream shown on the National Hydrography Dataset (NHD), or man-made canal shall be one hundred (100) feet.

2. Intermittent Streams, Ponds and Lakes. The required setback from the centerline of an intermittent stream shown on the NHD shall be fifty (50) feet. The required setback from any pond or lake whether man-made or natural shall be fifty (50) feet measured from the high water line except as authorized by 17.54.140(D).

3. Exceptions for Community Plan and Special Zoning Areas. Within the areas covered by Community Plans (e.g., Dry Creek-West Placer, Granite Bay, Auburn/Bowman and others adopted by the county) required watercourse setbacks shall be as specified in those community plans. Watercourse setbacks in areas of the county which have special watercourse setbacks identified on adopted zoning maps or shown on subdivision final maps recorded prior to the effective date of this chapter shall be considered exceptions to the requirements of this section.

4. Discretionary Land Use Permit Projects. Projects required by Sections 17.06.050 and 17.06.060 et seq., to have discretionary land use permit approval may be required by conditions of approval to provide greater or lesser setbacks than those required by this section and/or be required to provide setbacks from watercourses that are not shown on the NHD.

B. Stream system boundary. The stream system boundary standards apply to all creeks, streams, and rivers listed in Table 1) within the PCCP boundary (Chapter 19, Section 19.10.050). In addition to natural streams, the stream system boundary standards apply to artificial watercourses such as canals, channels, and flood water conveyances if the watercourse serves in lieu of a natural stream to maintain hydraulic continuity with the watershed above and where the channel is in an unlined, earthen condition. The stream system boundary standards also apply to any unnamed streams that are shown as “blue line” streams

on United States Geological Survey (USGS) Quad maps as specified in California Public Resources Code 4528 and as located on the NHD. All streams shown on the NHD will be truncated at the point where the watershed falls below 40 acres. Small streams located above the point where the stream is truncated are not considered streams subject to the standards of this section but may be aquatic resources subject to the permitting requirements of the CARP.

To avoid and minimize impacts to the stream system boundary, the following requirements apply to construction of new structures and other ground disturbance activities.

1. Structural setbacks. For areas within the PCCP boundary, all proposed structures shall be set back from any stream, creek, or river, as described in Table 1}. For unnamed streams in the NHD, the default minimum is 50 feet. These setbacks may be modified by an administrative approval as defined in Section 17.60.105 of this Code by the planning director or his or her designee.

2. Non-structural ground disturbance requiring the excavation or deposition of 25 or more cubic yards within the stream system. If ground disturbance within the stream system boundary exceeds 25 cubic yards a grading permit or stream system grading permit is required (Sections 15.48.055 and 15.48.060(C)).

~~3. Vegetation removal. Any removal of riparian and other vegetation within the stream system, that is associated with a land conversion authorization, requires a take authorization consistent with the requirements of the PCCP (Chapter 19, Article 19.10).~~

~~4. Aquatic resources of Placer County. Any discharge of fill into an aquatic resource within the stream system will require an aquatic resources authorization and a grading permit (Section 15.48.060(C)).~~

35. PCCP Covered Activities. All covered activities (structural and otherwise) that occur within the stream system boundary, irrespective of the amount of ground disturbance and vegetation removal, are subject to the standards, requirements, best management practices and mitigation measures of the PCCP (Chapter 19, Article 19.10, Section 19.10.070).

46. Exceptions. The following exceptions apply to land disturbance within the stream system boundary.

- a. Removal of invasive species consistent with the requirements of the PCCP.
- b. Habitat restoration activities consistent with the requirements of the PCCP.

19.10.040 Definitions

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19.10.050 Applicability

A. This article shall apply to all development projects that are covered activities within the HCP/NCCP plan area, consisting of plan area A and plan area B, as further defined and

described in Chapter 1, section 1.2.1 (Plan Area) of the HCP/NCCP. A comprehensive list of covered activities is provided in Chapter 2 of the HCP/NCCP. This article does not apply to the following:

1. Any development project that is not a covered activity under the HCP/NCCP as set forth in Chapter 2, Section 2.7 (*Activities not Covered by this Plan*).

2. Any development project which the CDFW, USFWS and NMFS have determined is not subject to the CESA and the ESA, has already received the necessary take authorizations under the CESA and the ESA, or has otherwise complied with the CESA and the ESA. Under these circumstances, a development project will not require coverage under the PCCP if the proponent provides the following:

- a. A letter(s) from USFWS, NMFS, and/or CDFW that specifically refers to the development project and states that it is not likely to result in take of any federal or state-listed species individually or cumulatively and the results for full protocol surveys, approved by CDFW, for state-listed species with the potential to occur on the site show that no such species or species habitat occurs on the site; or
- b. A copy of an incidental take permit issued by CDFW for the activity and copies of incidental take statements or incidental take permits issued by USFWS and/or the NMFS that authorize the proposed covered activity; or
- c. A combination of the letters as described in (a) above and/or incidental take authorizations described in (b) from USFWS, NMFS and/or CDFW with jurisdiction.

3. Certain minor development projects that are not expected to have adverse effects on covered species as described in section 2.7 of the HCP/NCCP (*Activities not Covered by this Plan*) at category 11 (minor activities). Such minor development projects must generally obtain any necessary authorizations or permits directly from the wildlife agencies under CESA, ESA, or CEQA. However, with approval of the PCA, proponents of such minor development projects may opt in for coverage under the HCP/NCCP pursuant to section 8.9.6 of the HCP/NCCP (*Coverage Option for Certain Minor Activities*).

4. Development projects that have ~~vested~~-approved county entitlements prior to the adoption of this article, unless one or more of the following occurs after adoption of this article: (a) the entitlement is subsequently amended through a discretionary review process resulting in covered activities that increase the amount or severity or impacts to habitat, or (b) the entitlement's term expires, or (c) a project applicant with such ~~vested~~-entitlements elects to participate in the program set forth in this article.